

Attorney Docket No.884.A52U\$1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SYSTEMS AND METHODS FOR HIGH-THROUGHPUT WIDEBAND WIRELESS LOCAL AREA NETWORK COMMUNICATIONS.

The specification of which was filed on September 30, 2003 as application serial no. 10/676372.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

. No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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Page 2 of 4

Attorney Docket No.: 884,A52US1 Serial No. 10/676372 Filing Date: September 30, 2003

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Aldous, Alan Anderson, Robert D. Anglin, J. Michael Arora, Suncel Bacon, Shireen Barre, Michael Beale, Jay P. Beekman, Marvin L. Bianchi, Timothy E. Billion, Richard E. Black, David W. Brake, Edward Brennan, Thomas F. Burge, Ben Chadwick, Robin A. Chen, George Choi, Glen Clark, Barbara J. Clise, Timothy B. Cochran, David R. Cool, Kenneth J. Crawford, Ted A. Dahl, Johm M. DeLizio, Andrew Diehl, Robert Draeger, Jeffrey S. Drake, Edward E. Embretson, Janet E. Faatz, Cindy Forrest, Bradley A. Gagne, Christopher Gorrie, Gregory J.	Reg. No. 31,905 Reg. No. 24,916 Reg. No. 24,916 Reg. No. 42,267 Reg. No. 40,494 Reg. No. 44,023 Reg. No. 50,901 Reg. No. 38,377 Reg. No. 38,9610 Reg. No. 32,836 Reg. No. 32,836 Reg. No. 32,836 Reg. No. 37,784 Reg. No. 36,477 Reg. No. 42,372 Reg. No. 42,372 Reg. No. 42,546 Reg. No. 43,546 Reg. No. 43,546 Reg. No. 40,957 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 40,992 Reg. No. 40,992 Reg. No. 40,992 Reg. No. 40,992 Reg. No. 40,993 Reg. No. 39,665 Reg. No. 39,665 Reg. No. 39,665 Reg. No. 39,665 Reg. No. 36,142 Reg. No. 36,530	Greenwald, Bradley A. Harris, Robert J. Hope, Libby Huter, Jeffrey B. Jackson Huebsch, Katharine A. Jurkovich, Patti J. Kalis, Janal M. Kalson, Seth Klima-Silberg, Catherine I. Kluth, Daniet J. Lacy, Rodney L. Larn, Peter Lin, Issae Luadberg, Steven W. Maki, Peter C. Malen, Peter L. Martinez, Anthony Mates, Robert E. McCall, Molly McCrackin, Ann M. Mehrle, Joseph P. Memensier, Larry Muller, Mark V. Nagy, Paul Nama, Prakash Nelson, A. James Nesheiwat, Michael J. Nicholls, Dennis A. Nielsen, Walter W. Padys, Danny J. Parker, Lanny Parker, Lanny	Reg. No. 34,341 Reg. No. 37,346 Reg. No. 41,086 Reg. No. 41,086 Reg. No. 47,670 Reg. No. 44,813 Reg. No. 37,650 Reg. No. 40,670 Reg. No. 40,670 Reg. No. 40,052 Reg. No. 32,146 Reg. No. 32,146 Reg. No. 41,136 Reg. No. 41,136 Reg. No. 44,855 Reg. No. 50,672 Reg. No. 50,672 Reg. No. 30,568 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 44,223 Reg. No. 44,223 Reg. No. 45,535 Reg. No. 45,535 Reg. No. 51,003 Reg. No. 37,896 Reg. No. 37,896 Reg. No. 42,858 Reg. No. 42,857 Reg. No. 42,857 Reg. No. 42,253 Reg. No. 28,650 Reg. No. 47,819 Reg. No. 42,213 Reg. No. 42,233 Reg. No. 42,253 Reg. No. 42,251 Reg. No. 35,635 Reg. No. 35,635 Reg. No. 35,635 Reg. No. 33,024	Peret, Andrew R. Peterson, David C. Plirnier, Michael D. Price, Lucinda G. Protsch, Michael A. Prout, William F. Reif, Kevin A. Sayles, Crystal D. Schumm, Sherry W. Schwegman, Micheal L. Scott, Russell Seddon, Ken Soeley, Mark Shah, Ami P. Simon, David Skabrat, Streve Speier, Gary J. Steffey, Charles E. Steiner, Paul E. Stutman-Horn, Joni D. Tong, Viet V. Tran, David Travis, John F. Viksnins, Ann S. Wawrzyn, Robert Wells, Calvin Whittington, Stuart Willardson, Michael Winkle, Robert G. Wysor, Rita Woessner, Warren D.	Reg. No. 41,246 Reg. No. 43,004 Reg. No. 43,004 Reg. No. 42,270 Reg. No. 33,995 Reg. No. 33,995 Reg. No. 36,381 Reg. No. 36,381 Reg. No. 44,318 Reg. No. 43,103 Reg. No. 43,103 Reg. No. 43,103 Reg. No. 43,103 Reg. No. 42,143 Reg. No. 32,756 Reg. No. 32,756 Reg. No. 32,756 Reg. No. 42,173 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 43,203 Reg. No. 37,760 Reg. No. 37,76
Forrest, Bradley A. Gagne, Christopher	Reg. No. 30,837 Reg. No. 36,142	Parker, Lanny	Reg. No. 44,281	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Telephone No. (612)373-6900

Full Name of joint inventor number 1:

in:

Citizenship: Post Office Address: 1: Alexander A. Maltsev

Russian Federation Verhne-Pecherskaya Str., 1-7

Nighny Novgorod 603163

Russian Federation

Signature:

Alexander A. Maltsev

Residence: Nizhny Novgorod, Russian Federation

Date: 16 January, 2004

Attorney Docket No.: 884.A52US1 Serial No. 10/676372 Filing Date: September 30, 2003			Page 3 o
Full Name of joint inventor num Citizenship: Post Office Address:	nber 2: <u>Ali S Sadri</u> United States of America 11835 Carmel Mountain Road Suite 1304-306 San Diego, CA 92128	Residence: San Diego, CA	
Signature:Ali S	S Sadri	Date:	
Citizenship: Post Office Address: Signature:	nber 3: <u>Vadim S Sergevev</u> Russian Federation Vanceva Str., 19-28 Nizhny Novgorod 603105 Russian Federation im S Sergeyev	Residence: Nizhny Novgorod, Russian Federation Date: January, 16, 200	· /
Full Name of joint inventor nur Citizenship: Post Office Address: Signature:	nber 4: <u>Adrian P Stephens</u> United Kingdom 64 Lamb's Lane Cottenham, Cambridge CB4 8TA United Kingdom	Residence: Cottenham, Cambridge United Kingdon Date:	a.
Adr.	ian P Stephens		<u> </u>

Artorney Docket No.: 884.A52US1 Serial No. 10/676372 Filing Date: September 30, 2003 Page 4 of 4

- § 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN LUNDBERG WOESSNER KLUTH

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Filing Date: September 30, 2003

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Aldous, Alan	Reg. No. 31,905	Greenwald, Bradley A.	Reg. No. 34,341	Peret, Andrew R.	Reg. No. 41,246
Anderson, Robert D.	Reg. No. 33,826	Harris, Robert J.	Reg. No. 37,346	Peterson, David C.	Reg. No. 47,857
Anglin, J. Michael	Reg. No. 24,916	Hope, Libby	Reg. No. 46,774	Plimier, Michael D.	Reg. No. 43,004
Arora, Suneel	Reg. No. 42,267	Huter, Jeffrey B.	Reg. No. 41,086	Price, Lucinda G.	Reg. No. 42,270
Bacon, Shireen	Reg. No. 40,494	•		-	
•		Jackson Huebsch, Katharine A.	Reg. No. 47,670	Proksch, Michael A.	Reg. No. 43,021
Barre, Michael	Reg. No. 44,023	Jurkovich, Patti J.	Reg. No. 44,813	Prout, William F.	Reg. No. 33,995
Beale, Jay P.	Reg. No. 50,901	Kalis, Janal M.	Reg. No. 37,650	Reif, Kevin A.	Reg. No. 36,381
Beekman, Marvin L.	Reg. No. 38,377	Kalson, Seth	Reg. No. 40,670	Sayles, Crystal D.	Reg. No. 44,318
Bianchi, Timothy E.	Reg. No. 39,610	Klima-Silberg, Catherine 1.	Reg. No. 40,052	Schumm, Sherry W.	Reg. No. 39,422
Billion, Richard E.	Reg. No. 32,836	Kluth, Daniel J.	Reg. No. 32,146	Schwegman, Micheal L.	Reg. No. 25,816
Black, David W.	Reg. No. 42,331	Lacy, Rodney L.	Reg. No. 41,136	Scott, Russell	Reg. No. 43,103
Brake, Edward	Reg. No. 37,784	Lam, Peter	Reg. No. 44,855	Seddon, Ken	Reg. No. 43,105
Brennan, Thomas F.	Reg. No. 35,075	Lin, Issac	Reg. No. 50,672	Seeley, Mark	Reg. No. 32,299
Burge, Ben	Reg. No. 42,372	Lundberg, Steven W.	Reg. No. 30,568	Shah, Ami P.	Reg. No. 42,143
Chadwick, Robin A.	Reg. No. 36,477	Maki, Peter C.	Reg. No. 42,832	Simon, David	Reg. No. 32,756
Chen, George	Reg. No. 50,807	Malen, Peter L.	Reg. No. 44,894	Skabrat, Steve	Reg. No. 36,279
Choi, Glen	Reg. No. 43,546	Martinez, Anthony	Reg. No. 44,223	Speier, Gary J.	Reg. No. 45,458
Clark, Barbara J.	Reg. No. 38,107	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Clise, Timothy B.	Reg. No. 40,957	McCall, Molly	Reg. No. 46,126	Steiner, Paul E.	Reg. No. 41,326
Cochran, David R.	Reg. No. 46,632	McCrackin, Ann M.	Reg. No. 42,858	Stutman-Horn, Joni D.	Reg. No. 42,173
Cool, Kenneth J.	Reg. No. 40,570	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Crawford, Ted A.	Reg. No. 50,610	Mennemeier, Larry	Reg. No. 51,003	Tran, David	Reg. No. 50,804
Dahl, John M.	Reg. No. 44,639	Muller, Mark V.	Reg. No. 37,509	Travis, John F.	Reg. No. 43,203
DeLizio, Andrew	Reg. No. 52,806	Nagy, Paul	Reg. No. 37,896	Viksnins, Ann S.	Reg. No. 37,748
Diehl, Robert	Reg. No. 40,992	Nama, Prakash	Reg. No. 44,255	Wawrzyn, Robert	Reg. No. 54,654
Draeger, Jeffrey S.	Reg. No. 41,000	Nelson, A. James	Reg. No. 28,650	Wells, Calvin	Reg. No. 43,256
Drake, Eduardo E.	Reg. No. 40,594	Nesheiwat, Michael J.	Reg. No. 47,819	Whittington, Stuart	Reg. No. 45,215
Embretson, Janet E.	Reg. No. 39,665	Nicholls, Dennis A.	Reg. No. 42,036	Willardson, Michael	Reg. No. 50,856
Faatz, Cindy	Reg. No. 39,973	Nielsen, Walter W.	Reg. No. 25,539	Winkle, Robert G.	Reg. No. 37,474
Forrest, Bradley A.	Reg. No. 30,837	Padys, Danny J.	Reg. No. 35,635	Wisor, Rita	Reg. No. 41,382
Gagne, Christopher	Reg. No. 36,142	Parker, Lanny	Reg. No. 44,281	Woessner, Warren D.	Reg. No. 30,440
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Greaves, John N.	Reg. No. 40,362	Peacock, Gregg A.	Reg. No. 45,001	Yates, Steven D.	Reg. No. 42,242
Green, Sharmini N.	Reg. No. 41,410	Pedersen-Giles, Alan	Reg. No. 39,996	i aics, steven D.	100g. 140. 42,242
Greenberg, Robert A.	Reg. No. 44,133	Perdok, Monique M.	•		
Gieghoeig, Kobell A.	reg. 140. 44,133	retuok, wionique M.	Reg. No. 42,989		

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person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have
consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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Full Name of joint inventor	number 1: Alexander A. Maltsev	
Citizenship:	Russian Federation	Residence: Nizhny Novgorod, Russian Federation
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	Nizhny Novgorod 603163	
	Russian Federation	
Signature:		Date:
<u> </u>	Alexander A. Maitsev	

Citizenship:	number 2 : <u>Ali S Sadri</u> United States of America	Residence: San Diego, CA
Post Office Address: Signature:	11835 Carmel Mountain Road Suite 1304-306 San Diega CA/92128	Date: Jan 15-04
Citizenship:	number 3: <u>Vadim S Sergeyev</u> Russian Federation	Residence: Nizhny Novgorod, Russian Federation
Post Office Address:	Vaneeva Str., 19-28 Nizhny Novgorod 603105 Russian Federation	
Signature:		Date:
J		
	Russian Federation Vadim S Sergeyev	tegere (see Fig. 1).
	vadim S Sergeyev	wighter certify in the
·		weever contribution of the
·	number 4: Adrian P Stephens	
Full Name of joint inventor		Residence: Cottenham, Cambridge United Kingdo
Full Name of joint inventor Citizenship:	number 4: <u>Adrian P Stephens</u> United Kingdom 64 Lamb's Lane	
Full Name of joint inventor Citizenship:	number 4: Adrian P Stephens United Kingdom 64 Lamb's Lane Cottenham, Cambridge CB4 8TA	
Full Name of joint inventor Citizenship: Post Office Address:	number 4: <u>Adrian P Stephens</u> United Kingdom 64 Lamb's Lane	

§ 1.56 Duty to disclose information material to patentability.

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Attorney Docket No.884.A52US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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Beale, Jay P.	Reg. No. 50,901	Kalis, Janal M.	Reg. No. 37,650	Reif, Kevin A.	Reg. No. 36,381
Beekman, Marvin L.	Reg. No. 38,377	Kalson, Seth	Reg. No. 40,670	Sayles, Crystal D.	Reg. No. 44,318
Bianchi, Timothy E.	Reg. No. 39,610	Klima-Silberg, Catherine I.	Reg. No. 40,052	Schumm, Sherry W.	Reg. No. 39,422
Billion, Richard E.	Reg. No. 32,836	Kluth, Daniel J.	Reg. No. 32,146	Schwegman, Micheal L.	Reg. No. 25,816
Black, David W.	Reg. No. 42,331	Lacy, Rodney L.	Reg. No. 41,136	Scott, Russell	Reg. No. 43,103
Brake, Edward	Reg. No. 37,784	Lam, Peter	Reg. No. 44,855	Seddon, Ken	Reg. No. 43,105
Brennan, Thomas F.	Reg. No. 35,075	Lin. Issac	Reg. No. 50,672	Seeley, Mark	Reg. No. 32,299
Burge, Ben	Reg. No. 42,372	Lundberg, Steven W.	Reg. No. 30,568	Shah, Ami P.	Reg. No. 42,143
Chadwick, Robin A.	Reg. No. 36,477	Maki, Peter C.	Reg. No. 42,832	Simon, David	Reg. No. 32,756
Chen, George	Reg. No. 50,807	Malen, Peter L.	Reg. No. 44,894	Skabrat, Steve	Reg. No. 36,279
Choi, Glen	Reg. No. 43,546	Martinez, Anthony	Reg. No. 44,223	Speier, Gary J.	Reg. No. 45,458
Clark, Barbara J.	Reg. No. 38,107	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Clise, Timothy B.	Reg. No. 40,957	McCall, Molly	Reg. No. 46,126	Steiner, Paul E.	Reg. No. 41,326
Cochran, David R.	Reg. No. 46,632	McCrackin, Ann M.	Reg. No. 42,858	Stutman-Horn, Joni D.	Reg. No. 42,173
Cool, Kenneth J.	Reg. No. 40,570	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Crawford, Ted A.	Reg. No. 50,610	Mennemeier, Larry	Reg. No. 51,003	Tran, David	Reg. No. 50,804
Dahl, John M.	Reg. No. 44,639	Muller, Mark V.	Reg. No. 37,509	Travis, John F.	Reg. No. 43,203
DeLizio, Andrew	Reg. No. 52,806	Nagy, Paul	Reg. No. 37,896	Viksnins, Ann S.	Reg. No. 37,748
Diehl, Robert	Reg. No. 40,992	Nama, Prakash	Reg. No. 44,255	Wawrzyn, Robert	Reg. No. 54,654
Draeger, Jeffrey S.	Reg. No. 41,000	Nelson, A. James	Reg. No. 28,650	Wells, Calvin	Reg. No. 43,256
Drake, Eduardo E.	Reg. No. 40,594	Nesheiwat, Michael J.	Reg. No. 47,819	Whittington, Stuart	Reg. No. 45,215
Embretson, Janet E.	Reg. No. 39,665	Nicholls, Dennis A.	Reg. No. 42,036	Willardson, Michael	Reg. No. 50,856
Faatz, Cindy	Reg. No. 39,973	Nielsen, Walter W.	Reg. No. 25,539	Winkle, Robert G.	Reg. No. 37,474
Forrest, Bradley A.	Reg. No. 30,837	Padys, Danny J.	Reg. No. 35,635	Wisor, Rita	Reg. No. 41,382
Gagne, Christopher	Reg. No. 36,142	Parker, Lanny	Reg. No. 44,281	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530	Parker, J. K.	Reg. No. 33,024	Wong, Sharon	Reg. No. 37,760
Greaves, John N.	Reg. No. 40,362	Peacock, Gregg A.	Reg. No. 45,001	Yates, Steven D.	Reg. No. 42,242
Green, Sharmini N.	Reg. No. 41,410	Pedersen-Giles, Alan	Reg. No. 39,996		- ,
Greenberg, Robert A.	Reg. No. 44,133	Perdok, Monique M.	Reg. No. 42,989		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

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Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full Name of joint inventor nu Citizenship: Post Office Address: Signature:	Russian Federation Vaneeva Str., 19-28 Nizhny Novgorod 603105 Russian Federation	Residence: Nizhny Novgorod, Russian Federation Date:	_
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Attorney Docket No.: 884.A52US1 Serial No. 10/676372 Filing Date: September 30, 2003

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.